

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jane Doe

(b) County of Residence of First Listed Plaintiff Mercer
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Laura E. Laughlin, Esquire/Freiwald Law, P.C.
1500 Walnut St., 18th Fl., Phila., PA 19102 (215) 875-8000

DEFENDANTS

Edward N. Weizer

County of Residence of First Listed Defendant Valencia County, NM
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. § 1332 and 28 U.S. Code § 1391(b)

Brief description of cause:

Sexual Assault

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/24/2021

SIGNATURE OF ATTORNEY OF RECORD

Laura E. Laughlin

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JANE DOE

Plaintiff,

v.

EDWARD N. WEIZER

800 Desi Loop

Belen, New Mexico 87002

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMANDED

Plaintiff Jane Doe, by her attorneys, Freiwald Law, P.C., by way of Complaint against the Defendant, states and alleges as follows:

I. INTRODUCTION

1. This case concerns the repeated sexual and physical assaults against Jane Doe when she was approximately two (2) to fourteen (14) years old by Defendant Edward N. Weizer. Plaintiff Jane Doe is currently forty-five (45) years old.

2. This action is timely filed under New Jersey's two-year look back window, N.J. Stat. § 2A:14-2b.

II. PARTIES

3. Plaintiff Jane Doe is a citizen and resident of the State of New Jersey. Since the claims involved in this Complaint involve the sexual abuse and assault of Jane Doe when she was a minor under age 18, she is filing under pseudonym. Plaintiff Jane Doe can be reached through her counsel.

4. Defendant Edward N. Weizer, is a citizen of New Mexico residing at 800 Desi Loop, Belen, New Mexico 87002. At all relevant times, Defendant Weizer was an adult and Plaintiff, a minor, was in Defendant's care, custody, and control.

III. JURISDICTION

5. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332, diversity jurisdiction.

6. It is certified that the amount in controversy is greater than \$75,000.

7. Venue is proper pursuant to 28 U.S. Code § 1391(b) because a substantial part of the events or omissions giving rise to the Plaintiff's claims occurred in this District.

IV. FACTS

8. At all relevant times, Jane Doe lived with Defendant Edward Weizer in New Jersey.

9. During the course of Plaintiff's childhood, Defendant Weizer physically and verbally abused Plaintiff and Plaintiff's mother in order to cause Plaintiff to become submissive to him.

10. The physical abuse included beating Plaintiff with a belt and beating her while pointing a gun at her, which caused Plaintiff to fear Defendant and do whatever Defendant told her to do.

11. The first time Plaintiff can recall Defendant sexually assaulting her was when she was approximately two (2) years old.

12. On this occasion, Plaintiff's mother was not home and Defendant was giving Plaintiff a bath in the tub.

13. While Plaintiff was in the bath tub, Defendant anally penetrated Plaintiff with his

finger.

14. Plaintiff was very scared and afraid to tell her mother or anyone else due to Defendant's physical abuse toward her.

15. When Plaintiff was approximately nine (9) years old, she and Defendant moved into a home located at 22 Sherwood Court, Flemington, New Jersey 08822.

16. When Plaintiff was approximately 11 or 12 years old, Defendant pointed a gun at Plaintiff and made her touch Defendant's penis with her hands and masturbate him in the basement of 22 Sherwood Court.

17. When Plaintiff was approximately thirteen (13), Defendant groped Plaintiff's breasts at the dinner table and in the house at 22 Sherwood Court.

18. When Plaintiff was approximately fourteen (14) years old, she attempted to protect herself from Defendant by locking her bedroom door so Defendant could not gain access during the night.

19. Defendant responded by slamming Plaintiff's left hand in the door and broke several fingers on her hand.

20. Defendant then removed Plaintiff's bedroom door from its hinges and watched her while she slept at night.

21. At the age of fifteen (15), Plaintiff left Defendant's residence at 22 Sherwood Court and cut off communication from him due to his abuse.

22. At approximately age sixteen (16), Plaintiff began crisis counseling and has been in therapy on and off from that point up to the present day as an adult.

23. Plaintiff has also undergone Eye Movement Desensitization and Reprocessing (EMDR) therapy, which is focused on helping the brain reprocess traumatic events and memories in an attempt to heal from the abuse by Defendant.

24. Due to the abuse and assaults by Defendant on Plaintiff, Plaintiff has and continues to suffer serious and permanent injuries, including but not limited to:

- a. sexual assault;
- b. physical trauma;
- c. psychological trauma;
- d. sexual harassment;
- e. assault and battery;
- f. irritable bowel;
- g. emotional distress;
- h. anxiety;
- i. eating disorders;
- j. nightmares;
- k. difficulty sleeping;
- l. paranoia;
- m. flashbacks;
- n. difficulty in romantic relationships;
- o. difficulty with intimacy;
- p. difficulty in interpersonal relationships;
- q. difficulty with medical examinations;
- r. lack of trust with men;

- s. lack of trust with people in positions of authority;
- t. embarrassment;
- u. humiliation;
- v. the need for counseling;
- w. the need for medication;
- x. past medical treatment;
- y. future medical treatment;
- z. past medical expenses;
- aa. future medical expenses; and
- bb. out of pocket expenses.

V. CLAIMS

COUNT I

Violation of the New Jersey Sexual Abuse Act N.J.S.A. 2A:61B-1, et. seq. Plaintiff v. Defendant

25. All previous paragraphs are incorporated here by reference.

26. While Plaintiff was approximately 2 to 14 years old, Defendant committed sexual abuse of Plaintiff repeatedly as described in detail above in violation of the New Jersey Child Sex Abuse Act in Defendant's residential homes in New Jersey.

27. The actions of Defendant in violation of the New Jersey Child Sexual Abuse Act caused serious and permanent injuries to Plaintiff as detailed in paragraph 24 above.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant in an amount greater than the jurisdictional limits of this court, including but not limited to compensatory and punitive damages with interest, attorney's fees, costs, and other such relief as the Court may deem appropriate

COUNT II
Negligence and Recklessness
Plaintiff v. Defendant

28. All previous paragraphs are incorporated here by reference.

29. At all relevant times and when Defendant committed child sexual abuse and assault against Plaintiff, Defendant willingly and knowingly undertook and exercised care, custody, and control over Plaintiff.

30. At all relevant times, Plaintiff was a minor, which limited her ability to protect herself from harm.

31. Defendant knew that Plaintiff was a minor while she was in Defendant's care, custody, and control.

32. At all relevant times, Defendant owed Plaintiff a duty of care to reasonably ensure and take reasonable precautions to ensure Plaintiff's safety from foreseeable harms and injuries.

33. Defendant carelessly, knowingly, willfully, and recklessly breached his duty of care by failing to protect and promote Plaintiff's right to be free from sexual abuse and her right to personal privacy and bodily integrity.

34. Defendant carelessly, knowingly, willfully, and recklessly breached his duty of care by failing to protect and promote Plaintiff's right to be free from all forms of sexual and physical abuse.

35. As a direct and proximate result of Defendant's conduct, Plaintiff sustained the past and future serious, permanent injuries more fully described in paragraph 24 above.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant in an amount greater than the jurisdictional limits of this court, including but not limited to

compensatory and punitive damages with interest, attorney's fees, costs, and other such relief as the Court may deem appropriate

COUNT III
Sexual Assault & Battery
Plaintiff v. Defendant

36. All previous paragraphs are incorporated here by reference.

37. Defendant sexually assaulted, sexually abused, physically abused, and had sexual contact with Plaintiff repeatedly in violation of the laws of the State of New Jersey, which violated all reasonable and acceptable bounds of appropriate conduct.

38. By repeatedly sexually assaulting, sexually abusing, physically abusing, and having sexual contact with Plaintiff, Defendant caused Plaintiff to suffer repeated, outrageous, unjustified, harmful, and offensive contact.

39. By repeatedly sexually assaulting, sexually abusing, and having sexual contact with Plaintiff, Defendant repeatedly placed Plaintiff in imminent and reasonable apprehension of harmful and offensive contact.

40. Plaintiff did not in any way consent to Defendant's unlawful, harmful and outrageous touching and could not consent as Plaintiff was a minor at the time of Defendant's sexual assault and battery.

41. Defendant's actions caused Plaintiff serious and permanent injuries that are continuing and are described in paragraph 24 above.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant in an amount greater than the jurisdictional limits of this court, including but not limited to compensatory and punitive damages with interest, attorney's fees, costs, and other such relief as the Court may deem appropriate.

COUNT IV
Intentional and/or Negligent Infliction of Emotional Distress
Plaintiff v. Defendant

42. All previous paragraphs are incorporated here by reference.

43. Defendant's conduct in grooming and repeatedly sexually and physically assaulting Plaintiff was extreme, outrageous, and beyond all bounds of decency.

44. Defendant's grooming and repeatedly sexually and physically assaulting Plaintiff was intentional and with reckless disregard for the harm it would foreseeably cause Plaintiff.

45. Additionally, Defendant endangered and breached the physical safety of Plaintiff and caused her to fear for her own physical safety.

46. Defendant's actions caused Plaintiff serious and permanent injuries that are continuing and are described in paragraph 24 above.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant in an amount greater than the jurisdictional limits of this court, including but not limited to compensatory and punitive damages with interest, attorney's fees, costs, and other such relief as the Court may deem appropriate.

COUNT V
False Imprisonment
Plaintiff v. Defendant

47. All previous paragraphs are incorporated here by reference.

48. Defendant detained Plaintiff from freedom of movement and without legal authority or justification through an apprehension of force against Plaintiff's will with the intention of causing confinement.

49. Defendant falsely imprisoned Plaintiff so that he could sexually abuse and assault her in his residences.

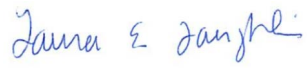
50. It was foreseeable to Defendant that his conduct would and did cause Plaintiff serious and permanent injuries more fully described in paragraph 24 above.

WHEREFORE, Plaintiff demands judgment in her favor and against Defendant in an amount greater than the jurisdictional limits of this court, including but not limited to compensatory and punitive damages with interest, attorney's fees, costs, and other such relief as the Court may deem appropriate.

JURY DEMAND

Plaintiff demands a trial by jury on all issues.

FREIWALD LAW, P.C.

By: 
AARON J. FREIWALD, ESQUIRE
LAURA E. LAUGHLIN, ESQUIRE
Attorneys for Plaintiff

Dated: November 24, 2021